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6 Debtor

FILED
SEP 13 2022 *RP*
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

7
8 **UNITED STATES BANKRUPTCY COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN JOSE DIVISION**

11 In re:

12 MICHAEL HAROUTUN MIROYAN

13 Debtor.

14 } **Case Number: 18-52801-MEH**
15 } Chapter 13

16 } DECLARATION OF MICHAEL
17 } MIROYAN IN SUPPORT OF
18 } MOTION FOR VIOLATIONS
19 } OF BK AUTOMATIC STAY
20 } [18 U.S.C. § 362(k)]

21 } Date: Thursday October 27th 2022
22 } Time: 1:30 p.m.
23 } Location: Courtroom 11
24 } Judge: Hon. Elaine Hammond

25 I Michael Miroyan hereby declare:

26 1. I am submitting this declaration in support of my motion for
27 damages against Hawaii attorney Karyn Doi and her client Gang Chen's
28 violations of the bankruptcy court's automatic stay that took effect in this
case on 11-26-2018.

29 2. Attached hereto as Exhibit 1 and incorporated herein by
30 reference is a true and correct print out of relevant pages from the docket
31 sheet in the Chen v. Hawaiian Riverbend LLC case that was filed in the
32 State of Hawaii's Third Circuit Court as Case No. 3CC-16-1-00043K. As
33 you can see from the docket sheet, docket entry number 16 shows that on
34 December 20th 2018 papers in support of a motion for summary judgment
35 were filed by attorney Karyn Doi in this case, and that this is after Debtor
36 Michael Miroyan's November 26th 2018 Bankruptcy filing when the

1 automatic stay was imposed in this case.

2 3. A Notice of Bankruptcy filing was also filed on 12-20-2018 in
3 the companion Kai v. Hawaiian Riverbend LLC Case No.: 3CC15-1-
4 00164K. Attached as Exhibit 2 to this declaration is a true and correct
5 copy of that 10 pg Notice. I believe that the attorneys for Kai informed
6 attorney Karyn Doi of this fact prior to 12-20-2018, so that attorney Karyn
7 Doi filed her summary judgment papers on that very same day with full
8 knowledge that she was doing so while the automatic stay was in effect.

9 4. The hearing date on the motion for summary judgment is listed
10 on the Chen docket sheet attached as Exhibit 1 as occurring on 2-14-2019
11 when the motion for summary judgment was granted by Judge Kim of the
12 Third Circuit Court in the State of Hawaii. The written order granting
13 summary judgment was made on 3-8-2019. Since the filing of the
14 summary judgment motion, and the grant of summary judgment by Judge
15 Kim on both 2-14-2019 and 3-8-2019 were done while the automatic stay
16 was in full force and effect, the order granting summary judgment is void
17 and I hereby seek an Order from this court stating that the orders granting
18 summary judgment by Judge Kim on 2-14-2019 and 3-8-2019 are void
19 according to law, are a legal nullity and are of no force and effect.

20 5. I am claiming actual damages in this based in part on
21 attorney's fees I had to pay to Attorney Margaret Wille that were paid to
22 undo the Court's grant of summary judgment in both the civil case as well
23 as filing an Appeal in Hawaii's Intermediate Court of Appeals. I paid
24 attorney Wille approximately \$ 25,000 for her work in both cases.
25 I am therefore seeking damages imposed against both Attorney Karyn Doi
26 and Gang Chen jointly and severally in the amount of \$100,000 in actual
27 damages, plus \$200,000 in punitive damages, totalling \$300,000 unless
28 the Court wishes to grant a higher amount in light of the egregious

1 intentional and willful violations of law committed by both Creditor and his
2 attorney Karyn Doi, for their failure to do anything to reverse Judge Kim's
3 award of summary judgment as the law requires them to do, something
4 they have failed to do for the past 3 ½ years. I served Attorney Karyn Doi
5 an earlier version of these papers that was filed in this Court on 4-11-2022
6 that was mailed to Attorney Karyn Doi on or about 4-16-2022. This means
7 that Attorney Doi was aware of the decisional case law authority that
8 requires her to take steps to reverse the effects of the violation by her of
9 the automatic stay for at least 5 months, yet she and her client have done
10 nothing. As such, I will not oppose this Court from awarding a greater
11 amount in punitive damages against Creditor Gang Chen and Attorney
12 Karyn Doi with a view to deterring such conduct in the future.

13 I hereby declare under penalty of perjury that the foregoing is true
14 and correct.

15 Date: September 13th 2022.


16 Michael Miroyan - Debtor



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Docket #	Date	Docket	Document Name	Parties	Filing Party
1	02/03/2016	Civil Information Sheet Converted DOC ID: CIS, Comments:	CIVIL INFORMATION SHEET	All Case Parties	Doi, Karyn A.
2	02/03/2016	Document Converted DOC ID: , Comments:	COMPLAINT TO FORECLOSE MORTGAGE; EXHIBITS "1" - "2"; FORECLOSURE MEDIATION NOTICE; FORECLOSURE MEDIATION REQUEST; SUMMONS	All Case Parties	Doi, Karyn A.
3	02/03/2016	Document Converted DOC ID: , Comments:	NOTICE OF PENDENCY OF ACTION; DECLARATION OF KARYN A. DOI; EXHIBIT "A"	All Case Parties	Doi, Karyn A.
4	05/16/2016	Document Converted DOC ID: , Comments:	PLAINTIFF'S EX PARTE MOTION TO SERVE DEFENDANT HAWAIIAN RIVERBEND, LLC, A HAWAII LIMITED LIABILITY COMPANY BY REGISTERED OR CERTIFIED MAIL; DECLARATION OF COUNSEL; EXHIBIT "1"; ORDER DENYING FOR SERVICE BY REGISTERED OR CERTIFIED MAIL	All Case Parties	Leu, Lester K.M.
5	05/27/2016	Document Converted DOC ID: , Comments:	DECLARATION OF DUE AND DILIGENT ATTEMPT AND NON-SERVICE RE: DEFENDANT HAWAIIAN RIVERBEND, LLC, A HAWAII LIMITED LIABILITY COMPANY	All Case Parties	Leu, Lester K.M.
6	06/07/2016	Document Converted DOC ID: , Comments:	PLAINTIFF'S EX PARTE MOTION TO SERVE DEFENDANT HAWAIIAN RIVERBEND, LLC, A HAWAII LIMITED LIABILITY COMPANY BY REGISTERED OR CERTIFIED MAIL; DECLARATION OF COUNSEL; EXHIBITS "1" AND "2"; ORDER FOR SERVICE BY REGISTERED OR CERTIFIED MAIL	All Case Parties	Leu, Lester K.M.
7	08/01/2016	Document Converted DOC ID: , Comments:	NOTICE OF AUTOMATIC STAY; EXHIBIT A; CERTIFICATE OF SERVICE	All Case Parties	Ito, Allison Akiko
8	08/10/2016	Document Converted DOC ID: , Comments:	ORDER RE AUTOMATIC STAY	All Case Parties	FILED BY COURT, COURT
9	09/10/2018	Document Converted DOC ID: , Comments:	NOTICE OF BANKRUPTCY CASE DISMISSAL; EXHIBIT "1"	All Case Parties	Doi, Karyn A.
10	09/10/2018	Document Converted DOC ID: , Comments:	ORDER LIFTING NOTICE OF AUTOMATIC STAY	All Case Parties	FILED BY COURT, COURT
11	09/12/2018	Document Converted DOC ID: , Comments:	PLAINTIFF'S EX PARTE MOTION FOR SERVICE BY PUBLICATION; DECLARATION OF COUNSEL; DECLARATION OF DUE AND	All Case Parties	Doi, Karyn A.

			DILIGENT ATTEMPT; EXHIBITS "1"- "2"; ORDER GRANTING PLAINTIFF'S EX PARTE MOTION FOR SERVICE BY PUBLICATION; SUMMONS		
12	10/01/2018	Document Converted DOC ID: , Comments:	RETURN OF POSTING (RE: SUMMONS POSTED AT THE PROPERTY LOCATED AT TMK (3) 6-8-002-021 ON 9/28/18)	All Case Parties	Doi, Karyn A.
13	10/26/2018	Document Converted DOC ID: , Comments:	AFFIDAVIT OF PUBLICATION (SUMMONS TO: HAWAIIAN RIVERBEND, LLC, A HAWAII LIMITED LIABILITY COMPANY) (WEST HAWAII TODAY: 10/01, 10/08, 10/15, 10/22/18)	All Case Parties	Converted, Other
84	10/26/2018	Affidavit of Publication	COPY OF AFFIDAVIT OF PUBLICATION FILED ON 10/26/18, DKT. 13	GANG CHEN - Plaintiff	
27	11/19/2018	Minutes DIGITAL RECORDING CC3.18-200/ 2018-11-19/0844-0845CLERK - L. FURUTO APPEARANCES: PLAINTIFF COUNSEL - T. KANEAKUA L. FURUTO: THREE CALLS WERE MADE AT 8:30; NO RESPONSE . COURT: AFFIDAVIT OF PUBLICATION FILED 10/26/18 FOR HAWAIIAN RIVERBAND LLC, ANY CONTACT KANEAKUA: NO CONTACT COURT: WHAT ARE YOU REQUESTING KANEAKUA: REQUESTING ORDER GRANT ENTRY OF DEFAULT COURT: GRANTED		All Case Parties	JUDG Kim, Robert
14	11/23/2018	Document Converted DOC ID: , Comments:	ORDER GRANTING ENTRY OF DEFAULT AGAINST DEFENDANT HAWAIIAN RIVERBEND, LLC, A HAWAII LIMITED LIABILITY COMPANY (HRG: NOVEMBER 19, 2018 8:30 A.M. JUDGE KIM)	All Case Parties	Doi, Karyn A.
15	12/11/2018	Document Converted DOC ID: , Comments:	PLAINTIFF'S EX PARTE MOTION FOR FIRST EXTENSION OF TIME TO FILE PRETRIAL STATEMENT; DECLARATION OF COUNSEL; ORDER DENYING WITHOUT PREJUDICE PLAINTIFF'S EX PARTE MOTION FOR FIRST EXTENSION OF TIME TO FILE PRETRIAL STATEMENT	All Case Parties	Leu, Lansen Hon Gong
16	12/20/2018	Document Converted DOC ID: , Comments:	PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT, AND FOR INTERLOCUTORY DECREE OF FORECLOSURE AGAINST ALL PARTIES; MEMORANDUM IN SUPPORT OF MOTION; DECLARATION OF INDEBTEDNESS; EXHIBITS "1"- "4"; NOTICE OF HEARING AND CERTIFICATE OF SERVICE (HRG: 2/14/19 AT 8:00 A.M. BEFORE JUDGE KIM)	All Case Parties	Doi, Karyn A.
28	02/14/2019	Minutes DIGITAL RECORDING CC3.19-28/ 2019- 2-14/0811-0812FOCLERK - L. FURUTO APPEARANCES: PLAINTIFF COUNSEL - D. KIKAWA (BY PHONE) COURT: DEFENDANT HAS BEEN DEFAULTED. KIKAWA: YES COURT: DEFAULT HAS BEEN ENTERED IN NOVEMBER RESPONSE BY KIKAWA . ***RULING*** COURT WILL GRANT THE MOTION FOR SUMMARY JUDGMENT		All Case Parties	JUDG Kim, Robert
17	03/08/2019	Findings/Fact Concl of Law-Ord Converted DOC ID: FOF, Comments: (COMMISSIONER: ANDREW M. KENNEDY)	FINDINGS OF FACT; CONCLUSIONS OF LAW; AND ORDER GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT, AND INTERLOCUTORY DECREE OF FORECLOSURE AGAINST ALL PARTIES FILED DECEMBER 20, 2018; EXHIBIT "A"	All Case Parties	Doi, Karyn A.
18	03/08/2019	Document Converted DOC ID: JUDG, Comments:	JUDGMENT	All Case Parties	Doi, Karyn A.
19	03/08/2019	Document Converted DOC ID: NOJ, Comments:	NOTICE OF ENTRY OF JUDGMENT	All Case Parties	Doi, Karyn A.
20	03/08/2019	Document Converted DOC ID: , Comments:	*MAILED/DELIVERED COPIES OF NOTICE OF ENTRY OF JUDGMENT TO PARTIES THEREIN	All Case Parties	
21	07/11/2019	Document Converted DOC ID: , Comments:	NOTICE OF BANKRUPTCY DISMISSAL; EXHIBIT "1"; CERTIFICATE OF SERVICE	All Case Parties	Doi, Karyn A.
22	09/03/2019	Document Converted DOC ID: , Comments:	MOTION FOR INSTRUCTIONS FOR SALE WITHOUT OPEN HOUSES; DECLARATION OF ANDREW M. KENNEDY; NOTICE OF HEARING; CERTIFICATE OF SERVICE (HRG: 9/23/19 AT 8:30 A.M. BEFORE JUDGE KIM)	All Case Parties	Kennedy, Andrew
23	09/06/2019	Document Converted DOC ID: , Comments:	PLAINTIFF'S STATEMENT OF NO OPPOSITION TO MOTION FOR INSTRUCTIONS FOR SALE WITHOUT OPEN HOUSES; CERTIFICATE OF SERVICE (HRG 9/23/19 AT 8:30 A.M. JUDGE	All Case Parties	Doi, Karyn A.

Electronically Filed
THIRD CIRCUIT
3CC15100164K
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IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

KENNETH Y. KAI and TAE K. KAI,
TRUSTEES OF THE KAI FAMILY
1998 TRUST,

Plaintiffs,

vs.

HAWAII RIVERBEND, LLC; COUNTY
OF HAWAII; JOHN DOES 1-10; JANE
DOES 1-10; DOE CORPORATIONS
1-10; DOE PARTNERSHIPS 1-10;
DOE ENTITIES 1-10; and DOE
GOVERNMENTAL ENTITIES 1-10,

Defendants.

CIVIL NO. 15-1-164K

PLAINTIFFS' NOTICE OF
BANKRUPTCY FILED BY MICHAEL
HAROUTUN MIROYAN; EXHIBIT A;
CERTIFICATE OF SERVICE

PLAINTIFFS' NOTICE OF BANKRUPTCY FILED BY
MICHAEL HAROUTUN MIROYAN ON NOVEMBER 26, 2018

Notice is hereby given that on or about November 26, 2018, Michael Haroutun Miroyan ("Miroyan") filed a voluntary petition for bankruptcy protection in the United States Bankruptcy Court, Northern District of California, Case No. 18-52601 ("Bankruptcy Petition"). Attached hereto as **Exhibit A** is a true and correct copy of the Bankruptcy Petition. Pursuant to 11 U.S.C. § 362(a), this action is hereby stayed until the bankruptcy matter is resolved or the automatic stay is lifted.

DATED: Honolulu, Hawaii, December 20, 2018.



MICHAEL C. CARROLL
MATTHEW C. SHANNON

Attorneys for Plaintiffs/
Counterclaim Defendants

Information to identify the case:Debtor 1 Michael Haroutun MiroyanSocial Security number or ITIN

First Name Middle Name Last Name

EIN

Debtor 2

(Spouse, if filing)

First Name Middle Name Last Name

Social Security number or ITIN EIN

United States Bankruptcy Court Northern District of California

Date case filed for chapter 13 11/26/18

Case number: 18-52601 MEH 13

Official Form 309I**Notice of Chapter 13 Bankruptcy Case**

12/17

For the debtors listed above, a case has been filed under chapter 13 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors, the debtors' property, and certain codebtors. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

Confirmation of a chapter 13 plan may result in a discharge. Creditors who assert that the debtors are not entitled to a discharge under 11 U.S.C. § 1328(f) must file a motion objecting to discharge in the bankruptcy clerk's office within the deadline specified in this notice. Creditors who want to have their debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office by the same deadline. (See line 13 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at www.pacer.gov).

The staff of the bankruptcy clerk's office cannot give legal advice.

To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.

Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.

	About Debtor 1:	About Debtor 2:
1. Debtor's full name	Michael Haroutun Miroyan	
2. All other names used in the last 8 years		
3. Address	PO Box 3181 Saratoga, CA 95070-1181	
4. Debtor's attorney Name and address	Eddy Hsu Law Office of Eddy Hsu 1900 S Norfolk St. #350 San Mateo, CA 94403	Contact phone (650) 577-5950
5. Bankruptcy trustee Name and address	Devin Derham-Burk P.O. Box 50013 San Jose, CA 95150-0013	Contact phone (408) 354-4413
6. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at this office or online at www.pacer.gov .	280 South First Street Room 3035 San Jose, CA 95113	Hours open: 9:00 am to 4:30 pm, Monday – Friday Contact phone 408-278-7500 Date: 12/10/18

For more information, see page 2

EXHIBIT A

Important Notice to Individual Debtors: The United States Trustee requires all debtors who are individuals to provide government-issued photo identification and proof of social security number to the trustee at the meeting of creditors. If a debtor fails to appear, your case may be dismissed without further notice.

The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection.

The case is subject to dismissal, without further notice, upon failure of the debtor to commence making payments called for in the plan, not later than 30 days after the date of the filing of the plan or the order for relief, whichever is earlier. At the confirmation hearing the court may dismiss or convert the case or continue the hearing without prior notice upon a determination the debtor(s) is unable to present a feasible plan. Written objections to confirmation of the plan must be filed with the court on or before the date stated above for the Meeting of Creditors and served upon the trustee, Debtor(s), and Debtors' Attorney.

If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadline in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

Chapter 13 allows an individual with regular income and debts below a specified amount to adjust debts according to a plan. A plan is not effective unless the court confirms it. You may object to confirmation of the plan and appear at the confirmation hearing. A copy of the plan, if not enclosed, will be sent to you later, and if the confirmation hearing is not indicated on this notice, you will be sent notice of the confirmation hearing. The debtor will remain in possession of the property and may continue to operate the business, if any, unless the court orders otherwise.

The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors, even if the case is converted to chapter 7. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at www.pacer.gov. If you believe that the law does not authorize an exemption that debtors claimed, you may file an objection by the deadline.

Confirmation of a chapter 13 plan may result in a discharge of debts, which may include all or part of a debt. However, unless the court orders otherwise, the debts will not be discharged until all payments under the plan are made. A discharge means that creditors may never try to collect the debt from the debtors personally except as provided in the plan. If you want to have a particular debt excepted from discharge under 11 U.S.C. § 523(a)(2) or (4), you must file a complaint and pay the filing fee in the bankruptcy clerk's office by the deadline. If you believe that the debtors are not entitled to a discharge of any of their debts under 11 U.S.C. § 1328(f), you must file a motion by the deadline.

**UNITED STATES BANKRUPTCY COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

Order Establishing Procedures for Objection to Confirmation

1. **Placement on Trustee's Pending List and Hearing Taken Off Calendar:** If an objection to confirmation is filed or a case is otherwise not ready for confirmation based on deficiencies, such as defaults on plan payments, the Trustee will file a Trustee's Statement of Non-Readiness for Confirmation at least 10 days before the confirmation hearing. The court will serve a notice indicating that the case has been placed on the Trustee's Pending List ("TPL") and that no appearances are expected, the plan will not be confirmed, and the matter will be taken off calendar at the confirmation hearing.
2. **Procedures for Restoring Matter to Confirmation Calendar:** A case that is on the TPL may be restored to the confirmation calendar as follows:
 - a. To restore the matter to the Uncontested Confirmation Calendar, the Trustee will file a Trustee's Statement of Resolution when all outstanding objections are resolved, deficiencies have been cured, and the debtor(s) is current on plan payments. The Trustee's docketing of the Statement of Resolution will cause the court to issue a notice that the restored confirmation hearing is set on the date of the next available Uncontested Confirmation Calendar and to serve the notice on parties in interest.
 - b. To restore a contested confirmation matter to calendar so the court can resolve factual or legal issues, any party in interest (including the debtor(s)) may file and serve in conformity with B.L.R. 9014-1(a) a Notice of Hearing and Certificate of Service on 28 days' notice to parties in interest. The matter may be set on any Contested Confirmation Calendar date posted on the court's website, but only if these three conditions are met: (1) the § 341 meeting has concluded; (2) the parties have met and conferred in good faith (in person or by telephone); and (3) the dispute is ready to be submitted for resolution, trial setting, evidentiary hearing, or briefing.

No later than 14 days before the hearing, the noticing party shall file a Chapter 13 Status Conference Statement identifying: (a) the disputed factual and legal issues; (b) the date and time when the parties conferred; and (c) the time estimate for trial or argument. If the Chapter 13 Status Conference Statement is not timely filed, the matter will be stricken from the calendar. Matters stricken from the Contested Confirmation Calendar must be re-noticed for hearing by submitting a new Notice of Hearing, Certificate of Service, and Chapter 13 Status Conference Statement.

Approved.

Dated: July 1, 2015



STEPHEN L. JOHNSON
United States Bankruptcy Judge

M. Elaine Hammond

M. ELAINE HAMMOND

United States Bankruptcy Judge

Hannah L. Blumenstiel

HANNAH L. BLUMENSTIEL

United States Bankruptcy Judge

BANKRUPTCY COURT

RECEIVED
SEP 14 2022

U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

Name:

Michael Micoyan

Case #:

18-52601-MEH